

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 4:21-cr-40016-JPG-1

NICHOLE R. SWANN,

Defendant.

MEMORANDUM AND ORDER

This matter comes before the Court on defendant Nichole R. Swann's motion for a reduction of her criminal sentence pursuant to 18 U.S.C. § 3582(c)(2) and United States Sentencing Guidelines Manual ("U.S.S.G.") § 1B1.10, making Amendment 821 retroactive (Doc. 45). The Government agrees with the motion (Doc. 47).

The parties agree that the defendant is eligible for a reduction under Part A of Amendment 821, which amended U.S.S.G. § 4A1.1(e) (2023) and concerns criminal history points awarded because a defendant was under a criminal sentence when she committed her offense of conviction ("status points"). Under Amendment 821, the defendant's 2 status points are reduced to 0 status points, and her criminal history category is reduced from II to I. The result is that her guideline sentencing range is lowered. Considering this lowered range, the parties agree that a sentence reduction from 78 months to 70 months in prison on all counts of conviction is appropriate. The Court agrees for the reasons set forth in the motion.

Accordingly, the Court **GRANTS** the motion (Doc. 45) and reduces the defendant's sentence of imprisonment from 78 months to 70 months or "time served," whichever is longer, effective 10 days from entry of this order. The Court attaches its standard order (AO Form 247) reflecting the sentence reduction. The defendant's *pro se* motion (Doc. 41) is **DENIED as moot** in light of this order.

IT IS SO ORDERED.
DATED: March 28, 2024

s/ J. Phil Gilbert
J. PHIL GILBERT
U.S. DISTRICT JUDGE